

TREG R. TAYLOR
ATTORNEY GENERAL

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Attorney for the State of Alaska

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

STATE OF ALASKA,	)	
	)	
Plaintiff,	)	No. 3:91–CV-0083 Civil (HRH)
	)	
v.	)	NINETIETH
	)	JOINT NOTICE OF
EXXON CORPORATION, AND EXXON	)	EXPENDITURES FROM
SHIPPING COMPANY,	)	THE INVESTMENT FUND
	)	
Defendants.	)	
_____	)	

The United States and the State of Alaska (“the Governments”) jointly provide this notice (“Notice”) of their expenditure of \$376,050 from the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”). The Governments’ natural resource trustee agencies will use these funds for purposes consistent with the Memorandum of Agreement and Consent Decree entered by this Court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska), on August 28, 1991 (“MOA”).

On September 25, 1991, the United States and the State of Alaska settled their claims against the Exxon Corporation, Exxon Shipping Company, Exxon Pipeline Company, and the

T/V *Exxon Valdez* arising from the Exxon Valdez Oil Spill (“EVOS”). All funds resulting from these settlements were subsequently ordered by this Court to be placed in an interest-bearing account in the Court Registry Investment System (“CRIS”) administered through the United States District Court for the Southern District of Texas.

On June 7, 2000, this Court entered its Third Amended Order for Deposit and Transfer of Settlement Proceeds (“Third Amended Order”). The Third Amended Order allows the Governments the option of investing the money in an account outside the United States Treasury. On September 29, 2000, upon application by the Governments, the Court entered an Order Re: Transfer of Funds from the Exxon Valdez Liquidity Account and the Reserve Fund to an Investment Fund Within the Alaska Department of Revenue, Division of Treasury, authorizing transfer of settlement proceeds to an account within the State. On October 5, 2000, all funds and securities were transferred from the CRIS to the Investment Fund. The Third Amended Order further allows the Governments to establish separate sub-accounts within the primary account “as the Trustee Council determines appropriate.” On October 1, 2002, three sub-accounts were created in the Investment Fund: the Research Investment Sub-Account, the Habitat Investment Sub-Account, and the Koniag Investment Sub-Account. These sub-accounts were established to carry out the Trustee Council’s decision in its Resolution of March 1, 1999 to manage separately the remaining assets of the Joint Trust Funds for the specific purposes of funding a long-term research and monitoring program, the acquisition of lands along the Karluk River, and the

establishment of a fund to purchase small parcels of land that may become available in the future.¹

Paragraph 27 of the Third Amended Order provides that “funds in an Investment Fund shall remain on deposit in that Fund until such time as the EVOS Trustees unanimously resolve to expend all or part of the funds.” The funds may then be expended, for purposes consistent with the MOA, upon the joint notification of the Governments to the Investment Fund and the Court. The notification is to inform the Court of the proposed uses of the funds in the same manner and to the same extent as was the Governments’ practice when the funds were in the registry of the Court.²

The Governments provide Notice of this ninetieth expenditure in the amount of \$376,050 from the Habitat Sub-account. This expenditure is for the Eagle Rock Facility Improvements Project, 20200135.³ The entire amount will be provided to the State of Alaska.

¹ The Koniag Sub-Account has been terminated. The funds previously held in that sub-account were transferred to the Habitat Sub-Account on March 14, 2014. *See Fifty-Fifth Joint Notice of Expenditures from the Investment Fund*. Dkt. No. 349.

² A copy of the notice provided to the Investment Fund pursuant to paragraph 27 of the Third Amended Order for Deposit and Transfer of Settlement Proceeds is appended to this Notice as Attachment A.

³ This expenditure was approved by the Trustee Council at its October 11, 2019 meeting in Resolution 19-02 and reauthorized by the Trustee Council at its October 14, 2020 and October 13, 2021 meetings in Resolutions 20-03 and 21-10. *See Seventy-Sixth Joint Notice of Expenditures from the Investment Fund*, Attachment A at pp. 5 – 15 (Dkt. No. 398-1); *Seventy-Eighth Joint Notice of Expenditures from the Investment Fund*, Attachment A at pp. 4 – 13 (Dkt. No. 400-1); *Eighty-Fifth Joint Notice of Expenditures from the Investment Fund*, Attachment C (Dkt. No. 408-3).

The Trustee Council has not met since the Governments' last filing on March 15, 2023 of their Eighty-Ninth Joint Notice of Expenditures. The meeting notes for the November 30, 2022 meeting have been approved by the Trustee Council and are attached as Attachment B.

RESPECTFULLY SUBMITTED this 10 day of July 2023.

FOR THE STATE OF ALASKA

TREG TAYLOR
ATTORNEY GENERAL

By:

/s/ GARRISON TODD
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5539
Email: Garrison.Todd@alaska.gov
Alaska Bar No. 2011097

FOR THE UNITED STATES

s/ ERIKA M. WELLS (consent)
Senior Counsel, Oregon Bar No. 055004
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
c/o NOAA/Damage Assessment
7600 Sand Point Way, NE
Seattle, WA 98115
Telephone: (202) 532-3258
Email: erika.wells@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July, 2023, a copy of the foregoing,
NINETIETH JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND was
served by the Court's CM/ECF system upon all persons registered to receive filings in this
matter.

s/ Christian S. Faatoafe
Christina S. Faatoafe
Law Office Assistant II



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

1031 West Fourth Avenue, Ste. 200
Anchorage, AK 99501
Main: (907) 269-5100
Fax: (907) 276-3697

July 5, 2023

Shane Carson and Zachary Hanna
Treasury Division, Alaska Dept. of Revenue
P.O. Box 110405
Juneau, AK 99811-0405

Re: *Exxon Valdez* Oil Spill Investment Fund

Mr. Carson and Mr. Hanna:

The *Exxon Valdez* Trustee Council has unanimously determined to expend \$376,050 in joint trust funds for restoration purposes consistent with the terms of the Memorandum of Agreement and Consent Decree entered by the federal district court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska). This expenditure is from the Habitat Sub-Account of the Investment Fund of the State of Alaska, Department of Revenue.

Under the terms of the Reimbursable Services Agreement between the Alaska Department of Fish and Game and the Alaska Department of Revenue, please transfer the following amount from cash held in the *Exxon Valdez* Oil Spill Investment Fund to the account described below:

State of Alaska

Amount: \$ 376,050 from the Habitat Sub-Account

Beneficiary: State of Alaska
Account: ADF&G IRIS Fund 3386
Name: Exxon Valdez Settlement Account

This transfer should take place when most financially advantageous, preferably on or before July 31, 2023. If you have any questions, please email Shiway Wang at shiway.wang@alaska.gov.

Sincerely,

/s Garrison Todd

/s Erika Wells

Garrison Todd
Assistant Attorney General
Environmental Section
State of Alaska
Department of Law

Erika M. Wells
Senior Counsel
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
United States of America

cc (via email):

Bonnie Jensen, Alaska Department of Fish and Game, via email
Melissa Hill, Alaska Department of Fish and Game, via email
Jessica Hood, Alaska Department of Fish and Game, via email
Macy Cook, Alaska Department of Fish and Game, via email
Lacey Derr, Alaska Department of Fish and Game, via email
Jesse Blackwell, Alaska Department of Revenue, via email
Bruce Nessler, Department of the Interior, via email
Seth Deam, Department of the Interior, Solicitor's Office, via email
Joy Maglaqui, Exxon Valdez Oil Spill Trustee Council Restoration Office, via email
Lauri Adams, EVOSTC Restoration Office, via email
Austin Quinn-Davidson, EVOSTC Restoration Office, via email

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

ERIKA M. WELLS
Senior Counsel
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
c/o NOAA/Damage Assessment
7600 Sand Point Way, NE
Seattle, WA 98115
Telephone: (202) 532-3258
Email: erika.wells@usdoj.gov

ATTORNEYS FOR THE UNITED STATES

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. 3:91–CV-0082 Civil (HRH)
	)	
v.	)	NINTIETH
	)	JOINT NOTICE OF
EXXON CORPORATION, EXXON SHIPPING	)	EXPENDITURES FROM
COMPANY, and EXXON PIPELINE COMPANY,	)	THE INVESTMENT FUND
<u>et al.</u> , <u>in personam</u> , and the T/V EXXON VALDEZ,	)	
<u>in rem</u> ,	)	
	)	
Defendants.	)	
_____	)	

The United States and the State of Alaska (“the Governments”) jointly provide this notice (“Notice”) of their expenditure of \$376,050 from the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”). The Governments’ natural resource trustee agencies will use these funds for purposes consistent with the Memorandum of Agreement and Consent Decree entered by this Court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska), on August 28, 1991 (“MOA”).

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The Trustee Council has not met since the Governments' last filing on March 15, 2023 of their Eighty-Ninth Joint Notice of Expenditures. The meeting notes for the November 30, 2022 meeting have been approved by the Trustee Council and are attached as Attachment B.

RESPECTFULLY SUBMITTED this 10th day of July 2023.

FOR THE UNITED STATES

s/ ERIKA M. WELLS
Senior Counsel, Oregon Bar No. 055004
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
c/o NOAA/Damage Assessment
7600 Sand Point Way, NE
Seattle, WA 98115
Telephone: (202) 532-3258
Email: erika.wells@usdoj.gov

FOR THE STATE OF ALASKA

TREG R. TAYLOR
ATTORNEY GENERAL

By: s/GARRISON TODD (consent)
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5232
Email: garrison.todd@alaska.gov

NINTIETH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND
(Case 3:91-CV-0082 (HRH))

Page 4 of 5

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July, 2023, a copy of the foregoing, NINETIETH JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND was served by the Court's CM/ECF system upon all persons registered to receive filings in this matter.

s/ Erika M. Wells



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

1031 West Fourth Avenue, Ste. 200
Anchorage, AK 99501
Main: (907) 269-5100
Fax: (907) 276-3697

July 5, 2023

Shane Carson and Zachary Hanna
Treasury Division, Alaska Dept. of Revenue
P.O. Box 110405
Juneau, AK 99811-0405

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Name: Exxon Valdez Settlement Account

This transfer should take place when most financially advantageous, preferably on or before July 31, 2023. If you have any questions, please email Shiway Wang at shiway.wang@alaska.gov.

Sincerely,

/s Garrison Todd

/s Erika Wells

Garrison Todd
Assistant Attorney General
Environmental Section
State of Alaska
Department of Law

Erika M. Wells
Senior Counsel
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
United States of America

cc (via email):

Bonnie Jensen, Alaska Department of Fish and Game, via email
Melissa Hill, Alaska Department of Fish and Game, via email
Jessica Hood, Alaska Department of Fish and Game, via email
Macy Cook, Alaska Department of Fish and Game, via email
Lacey Derr, Alaska Department of Fish and Game, via email
Jesse Blackwell, Alaska Department of Revenue, via email
Bruce Nessler, Department of the Interior, via email
Seth Deam, Department of the Interior, Solicitor's Office, via email
Joy Maglaqui, Exxon Valdez Oil Spill Trustee Council Restoration Office, via email
Lauri Adams, EVOSTC Restoration Office, via email
Austin Quinn-Davidson, EVOSTC Restoration Office, via email

Exxon Valdez Oil Spill Trustee Council

4230 University Drive Suite 220 ○ Anchorage, AK 99508-4650 ○ (907) 278-8012 ○ fax 276-7178



NOVEMBER 30, 2022, TRUSTEE COUNCIL MEETING NOTES

Trustee Council Members Present:

Jason Brune, Commissioner, Alaska Department of Environmental Conservation

Craig O'Connor*, Special Counsel, National Oceanic and Atmospheric Administration

David Schmid, Alaska Regional Forester, U.S. Forest Service, U.S. Department of Agriculture

Sara Taylor, Policy Advisor – Alaska, U.S. Department of the Interior

Treg Taylor, Attorney General, Alaska Department of Law

Douglas Vincent-Lang, Commissioner, Alaska Department of Fish and Game

*Chair

The meeting convened at 1:07 p.m., November 30, 2022, using the Zoom conferencing platform.

1. Approval of the November 30, 2022, meeting agenda

APPROVED MOTION: Motion to approve the November 30, 2022, meeting agenda, draft dated November 15, 2022.

Motion by Brune, seconded by Schmid, approved unanimously.

2. Approval of the October 5, 2022, meeting notes

APPROVED MOTION: Motion to approve the October 5, 2022, draft of the November 8, 2022, Trustee Council meeting notes.

Motion by Vincent-Lang, seconded by Schmid, approved unanimously.

Kristin Carpenter, Chair, reported on the November 29, 2022, EVOSTC Public Advisory Committee (PAC) Meeting

Financial updates provided.

Public Comment: **3 public comments were given.**

3. Approval of FY23 Work Plan (Data Management funding for Long-Term Killer Whale Monitoring Project)

APPROVED MOTION: Motion to approve \$12,780, which includes GA, for the Data Management Program Project 23170113 to ensure the Council's data policy requirements are met for the Long-Term Killer Whale Monitoring Project 23120114-N, for the FY23 funding cycle.

Motion by Brune, seconded by T. Taylor, approved unanimously.

FY23 – FY33 Spending Scenarios update provided.

4. Approval of Delta Plan Alternative Green, Option A

Trustee Sara Taylor presented the Delta Plan alternatives.

APPROVED MOTION: Motion to approve Delta Plan Alternative Green, as described in the Discussion Draft Delta Plan dated September 26, 2022, Alternative Green, which includes Option A, to seek congressional authorization to remove the condition in Public Law 106-113, that the funds be allocated and managed in separate subaccounts. The Trustee Council is to engage the public in revisiting its previous funding decisions for fiscal year 2027 through fiscal year 2031, as described. The Science Panel and Public Advisory Committee will be asked to revisit the proposals funded and offer recommendations to the Trustee Council on how best to maximize the number of projects that can be funded. The Trustees will also work to maximize the use of the funds remaining in both the Research and Habitat Subaccounts, including through finding efficiencies that can be made, unused funds, and the degree of public participation and involvement in the decision-making process will also be an emphasis. Funding for any public engagement activities will be allocated evenly from the Research and Habitat Subaccounts. The Trustee Council authorizes Council staff to analyze administrative costs and equally distribute them, either historically or going forward, drawing from the Habitat Subaccount to minimize the funding shortfall in the Research Subaccount.

Motion by S. Taylor, seconded by Brune, approved unanimously.

5. Adjournment of the meeting

APPROVED MOTION: Motion to adjourn the meeting.

Motion by Vincent-Lang, seconded by Brune, approved unanimously.

Meeting adjourned at 2:05 p.m.